
What Else You Can Do to Stop Misrepresentation of Indian Arts and Crafts

As an alternative to a formal complaint, you may want simply to pass along information about a potential violation of the Act. This information may provide an invaluable lead to uncovering violations of the Act.

The Indian Arts and Crafts Board needs to hear from the arts community and the buying public regarding your first-hand exposure to misrepresentation in the marketing of Indian arts and crafts. Your information plays a key role in our efforts to ensure that the market for authentic Indian arts and crafts remains healthy; that the buying public is protected from fakes and misrepresented products; and that the Indian artists and craftspeople, Indian businesses, and Indian tribes can sell their products in a marketplace free of imitation Indian arts and craftwork.

How to Protect Yourself as a Consumer

To avoid purchasing misrepresented Indian arts and crafts, buy from a reputable dealer. Ask the dealer for written verification that the item is authentic Indian art or craftwork. In light of the Act, the dealer should be able to provide you with this documentation.

Basket
Rose M. Johnson
Navajo
Copyright 1986
Rose M. Johnson



Above, Pawn Necklace
Attributed to L. Benally
Navajo

If you purchase an art or craft product represented to you as Indian-made, and you learn that it is not, first contact the dealer to request a refund. If the dealer does not respond to your request, you can also contact your local Better Business Bureau, Chamber of Commerce, and the local District Attorney's office, as you would with any consumer fraud complaint. Second, contact the Indian Arts and Crafts Board with your complaint regarding violations of the Indian Arts and Crafts Act.

Before buying Indian arts and crafts at powwows, annual fairs, and other events, check the event requirements on the authenticity of products being offered for sale. Many events list the requirements in newspaper advertisements, promotional flyers, and printed programs. If the event organizers make no statements on compliance with the Act or on the authenticity of Indian arts and crafts offered by participating vendors, you should obtain written verification from the individual vendors that their Indian arts or craftwork were produced by tribal members or by certified Indian artisans.

Know the Law

For a free copy of the Indian Arts and Crafts Act of 1990 (P.L. 101-644), the amendment (P.L. 106-497), and corresponding regulations:

Website www.iacb.doi.gov
E-mail iacb@ios.doi.gov
Call (202) 208-3773
or Toll Free (888) ART-FAKE
Write Indian Arts and Crafts Board
U.S. Department of the Interior
1849 C Street, NW, MS 2058-MIB
Washington, DC 20240

Publication of the Indian Arts and Crafts Board
U.S. Department of the Interior

Indian Arts and Crafts Act



Know the Law

The Indian Arts and Crafts Act of 1990 is a truth-in-advertising law. It is illegal to offer or display for sale, or sell, any art or craft product in a manner that falsely suggests it is Indian produced, an Indian product, or the product of a particular Indian tribe.



Above, Pin
Myra Tucson
Zuni Pueblo

The Indian Arts and Crafts Act of 1990 (P.L. 101-644), as amended, prohibits misrepresentation in marketing of Indian arts and crafts products within the United States. The Indian Arts and Crafts Act is a truth-in-advertising law. It is illegal to offer or display for sale, or sell, any art or craft product in a manner that falsely suggests it is Indian produced, an Indian product, or the product of a particular Indian tribe.

Under the Act—

Indian is defined as a member of a federally or officially State recognized tribe, or certified Indian artisan;

Certified Indian artisan means an individual who is certified by the governing body of an Indian tribe as a non-member Indian artisan;

Indian product means any art or craft product made by an Indian;

Indian labor makes the Indian art or craft object an Indian product;

Indian tribe means—

- 1) Any federally-recognized Indian tribe, band, nation, Alaska Native village, or organized group or community, or
- 2) Any Indian group that has been formally recognized as an Indian tribe by a State legislature or by a State commission or similar organization legislatively vested with State tribal recognition authority.

Cover, Katsina Doll
Herbie Talahaftewa
Hopi Pueblo
Copyright 1983
Herbie Talahaftewa

All photographs in
this brochure feature
authentic Indian
handcrafted products.

Civil and Criminal Penalties

For a first time violation of the Act, an individual can face civil penalties or criminal penalties up to a \$250,000 fine or a 5-year prison term, or both. If a business violates the Act, it can face civil penalties or can be prosecuted and fined up to \$1,000,000.

Scope of the Indian Arts and Crafts Act of 1990



Above, Mask
Murray Clayton
Tlingit

Covering all Indian and Indian-style traditional and contemporary arts and crafts produced after 1935, the Act broadly applies to the marketing of arts and crafts by any person in the United States.

All products must be marketed truthfully regarding the Indian heritage and tribal affiliation of the producers so as not to mislead the consumer. It is illegal to market an art or craft item using the name of a tribe if a member, or certified Indian artisan, of that tribe did not actually create the art or craft item.

For example, products sold using a sign claiming "Indian Jewelry—Direct from the Reservation to You", would be a violation of the Indian Arts and Crafts Act if the jewelry was produced by someone other than a member, or certified Indian artisan, of an Indian tribe. Products advertised as "Hopi Jewelry" would be in violation of the Act if they were produced by someone who is not a member of the Hopi Tribe.

The types of products that are copied and may be misrepresented vary from region to region. Some traditional items made by non-Indians include jewelry, pottery, baskets, carved stone fetishes, woven rugs, katsina dolls, and clothing in the style of Indian products.

How to File a Complaint with the Indian Arts and Crafts Board

While the beauty, quality, and collectability of authentic Indian arts and crafts make each piece a unique reflection of our American heritage, it is important that buyers be aware that fraudulent Indian arts and crafts compete daily with authentic Indian arts and crafts in the nationwide marketplace. The Indian Arts and Crafts Board, an agency within the U.S. Department of the Interior, receives and screens complaints of possible violations for further investigation, and can request prosecution.

If you become aware of any market activity that you believe may be in violation of the Act, please contact the Indian Arts and Crafts Board with the relevant information. Complaints may be filed anonymously online, by writing to the Indian Arts and Crafts Board, or by calling its toll-free number:

Website: www.iacb.doi.gov

Address: Indian Arts and Crafts Board
U.S. Department of the Interior
1849 C Street, NW, MS 2058-MIB
Washington, DC 20240

Telephone: (888) ART-FAKE, or (888) 278-3253

Please include, or have available, copies of any other documentation, such as advertisements, catalogs, business cards, photos, or brochures.

Baskets left to right
Eva Wolfe, Helen Smith
Cherokee; Marion John
Coushatta

